



**Meeting of the Cordell Bank  
National Marine Sanctuary  
Advisory Council**

***January 26, 2005***



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# **When is a National Marine Sanctuary **Not** a Sanctuary?**

**Recent 2005 Legal Authority for  
Seismic Oil and Gas Exploration using  
Ship-Towed Airgun Arrays within All  
US National Marine Sanctuaries**



# Current Protections on Outer Continental Shelf:

1. Annual Congressional OCS Moratorium until Oct. 1, 2006.
2. Presidential OCS Deferrals until 2012.
3. National Marine Sanctuaries.
4. OCSLAA Exclusionary Zones.



# Legislative OCS Moratorium

- Began in 1981, as part of FY 1982 DOI Appropriations Bill.
- Renewed annually with bipartisan cooperation.
- Included in Bush budget for FY 2006.
- Final Passage in July of 2005.
- Bans OCS “leasing, **pre-leasing**, and related activities”.



# Presidential OCS Deferrals

- **1990: Former President George Bush Sr. impanels National Research Council of Nat'l Academy of Sciences to study OCS leasing.**



# Presidential OCS Deferrals

- **1991: National Research Council, after one year of studies, determines that scientific data is inadequate to permit OCS leasing within moratorium areas and ensure that the environment will be protected.**





# Presidential OCS Deferrals

- **1991: President Bush, Sr., issues order, pursuant to OCS Lands Act, that no OCS leasing will occur within moratorium areas until after 2002.**
- **1998: President Clinton extends this administrative order until after the year 2012.**



# OCS Lands Act Exclusionary Zones



# National Marine Sanctuaries





# Omnibus Energy Act of 2005:

- **REQUIRES “OCS Inventory”** using seismic surveys, even within sensitive coastal waters protected by the Congressional moratorium.
- **NO EXEMPTION** for National Marine Sanctuaries from the OCS Inventory.



# Energy Act of 2005:

- Energy Policy Act of 2005 (P.L. No. 109-58) *SEC. 357. COMPREHENSIVE INVENTORY OF OCS OIL AND NATURAL GAS RESOURCES.*
- ***(a) IN GENERAL- The Secretary of the Interior shall conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the United States Outer Continental Shelf ('OCS')....***



# Energy Act of 2005:

- *The inventory and analysis shall--*
- *(1) use available data on oil and gas resources in areas offshore of Mexico and Canada that will provide information on trends of oil and gas accumulation in areas of the OCS;*
- *(2) use any available technology, except drilling, but including 3-D seismic technology to obtain accurate resource estimates....*





# Energy Act of 2005:

- *3) analyze how resource estimates in OCS areas have changed over time in regards to gathering geological and geophysical data, initial exploration, or full field development, including areas such as the deepwater and subsalt areas in the Gulf of Mexico;*
- *(4) estimate the effect that understated oil and gas resource inventories have on domestic energy investments; and.....*





# Energy Act of 2005:

- *(5) identify and explain how **legislative, regulatory, and administrative programs** or processes restrict or impede the development of identified resources and the extent that they affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the Federal government and coastal States, and local zoning restrictions for onshore processing facilities and pipeline landings.....*



# Energy Act of 2005:

- ***(b) REPORTS- The Secretary of Interior shall submit a report to Congress on the inventory of estimates and the analysis of restrictions or impediments, together with any recommendations, within 6 months of the date of enactment of the section. The report shall be publicly available and updated at least every 5 years.***



# Omnibus Energy Bill of 2005 also:

- Grants unilateral authority over offshore **LNG terminals, subsea petroleum pipelines, offshore wind and wave energy facilities**, to the Secretary of Interior, for leasing, permitting, regulation, and enforcement.
- State role in coastal LNG siting is essentially removed.



# **“Ocean State Options Act”, proposed in House Budget Reconciliation Package by Rep. Pombo**

- Would immediately **rescind OCS moratorium** nationwide, no further congressional control over offshore drilling decisions.
- Coerce coastal states into accepting new offshore leasing.
- States could request 5-years of protection, only twice, for 10 years total.
- Would undo “OCS Inventory” in previous bill.



# **Rep. Pombo's "Ocean State Options Act"**

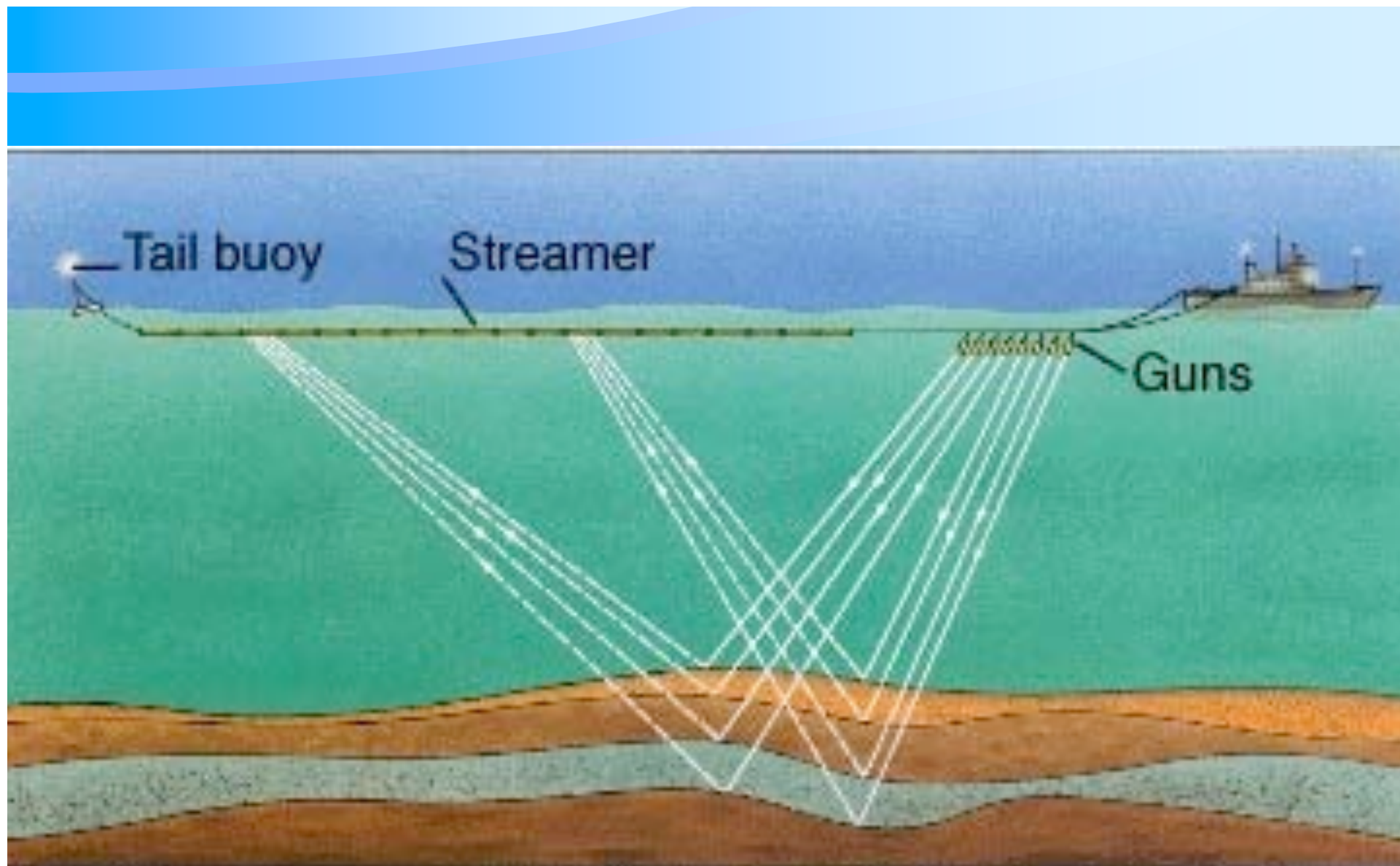
- **Not adopted in House Budget Reconciliation Package.**



# Seismic Surveys:

- Tens of thousands of high-decibel explosive impulses in order to gather geologic profiles from seabed rock structures.
- Seismic survey vessels tow long cables which trail arrays of “airguns” and acoustic transducers for the purpose of emitting and receiving intense sound waves to evaluate subsea geologic formations.
- Common seismic survey configurations involve 24 airguns in each array.







# Seismic Surveys:

- Sound source is a periodic, repetitive explosion in the water column created by a high-pressure gas airgun, which constantly sends a sharp spike of loud acoustic pulse through the water and deep into the seafloor.
- Airgun arrays produce sound at frequencies that are concentrated in the range from 20 to 150 Hz, which is within the auditory range of many marine species, including large whales.











# **U.S. Department of Interior, Minerals Management Service (MMS)**

- **Five-Year OCS Program establishes the size, timing, and location of leasing actions.**
- **Broad Secretarial Discretion.**
- **Limited meaningful input by Congress, states, localities.**



# **Five-Year Program is the template for all OCS leasing actions between 2007-2012**

- **Solicitation of public comments on EIS and Programmatic Document has been completed.**
- **Draft EIS and Program.**
- **Final Program to Congress and then to the President.**



# Rep. Peterson's Natural Gas Legislation:

- Drilling impacts similar to offshore oil.
- Discharge of drill muds and cuttings.
- Radioactive discharges in Gulf areas .
- Air quality issues, on and offshore.
- Pipeline construction impacts.
- Waterborne spills of liquid gas condensates.
- Shoreline industrialization.





